

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1448 OF 2007

Shivaji N. Dukare & Ors.	Petitioners
V/s.	
Dy. Director, Land	Records,
Pune Division, Pune & Ors.	Respondents

Mr. Surel S. Shah for the Petitioners.

Mr. R.V. Kasekar for Respondent Nos. 2 to 9.

CORAM : S.J. VAZIFDAR, J.
DATED : 22ND OCTOBER, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. The Petitioner/Defendant contended before the trial Court that subsequent revenue record of the consolidation scheme is incorrect and that there was no encroachment. The learned Judge found no force in the submission on the ground that the Petitioner had not taken any steps to rectify the record or to have the land measured through surveyor.

3. Being aggrieved by the said judgment, the Petitioner filed Civil Appeal No.115 of 2000. The Petitioner also filed an application before the Deputy

Director, Land Records to rectify the record of the consolidation scheme.

4. By the impugned order dated 4.8.2006, Respondent No.1 refused to consider the application for rectification on the ground that the Petitioner's said Civil Appeal was pending.

5. If the application before Respondent No.1 is not decided, it would be unfair to the Petitioner as on the one hand it is held that he has taken no steps for rectification of the record and on the other hand his application for rectification is not being decided.

6. In the circumstances, Rule is made absolute in terms of prayer (c), which reads as under :-

"(c). After quashing and setting aside the order passed by the Respondent No.1 dated 4.8.2006 this Hon'ble Court be pleased to further direct the Respondent No.1 to hear and dispose of the application filed by the Petitioners bearing Application No.253 of 2001."